

STATE OF NORTH CAROLINA  
WAKE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE  
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SUPERIOR COURT DIVISION  
18 CVS 014001

**Common Cause; et al**

WAKE COUNTY, C.S.C.

BY

**Plaintiffs,**

**v.**

**Representative David R. Lewis, in his  
official capacity as senior chairman of the  
House Select Committee on Redistricting,  
et al**

**Defendants.**

AFFIDAVIT OF AMELIA F.  
BLANKENSHIP IN SUPPORT OF  
GEOGRAPHIC STRATEGIES LLC'S  
MOTION TO DESIGNATE  
DOCUMENTS AND FILES AS  
CONFIDENTIAL

**AFFIDAVIT OF AMELIA F. BLANKENSHIP**

The undersigned Affiant, having been duly sworn or affirmed, deposes and states that Affiant is competent to give the testimony below. Affiant makes the following statements of fact from Affiant's personal knowledge, except as to statements specifically identified below as made upon information and belief, which Affiant believes to be true and for which the source of information and the basis for belief are stated.

1. My name is Amelia F. Blankenship. I am Senior Review Associate employed by Consilio LLC in charge of hosting and review processing of the Hofeller files described below.
2. Consilio, my employer, is one of the most recognized, well regarded, and capable eDiscovery, document review, and legal consulting service providers anywhere in the world. Consilio has been providing eDiscovery services since 2002.
3. Geographic Strategies, LLC hired Consilio on July 17, 2019, to assist in complying with the Court's July 12, 2019 order requiring Geographic Strategies to review certain documents produced in response to a subpoena to Stephanie Hofeller and submit "an itemization of all files in which Geographic Strategies claims ownership or other claim of right and contends ought to

continue to be treated as confidential” containing “the name of the file, the nature of the file, and the basis for the claim of ownership or claim of right.” 7/12/2019 Order at 4. I have reviewed this order and we have complied with its terms in the reviewing process.

4. On July 19, 2019, Consilio received an encrypted hard drive from Arnold & Porter which contained files that were the subject of the Court’s order. Two days of forensic processing were required to decrypt the drive. Once decrypted, it was discovered that the drive contained 22 data containers and that each container represented a thumb drive or hard drive. The decrypted drive contained 9,297.86 gigabytes of data which represented 362,381 total files.

5. On July 22, 2019, Consilio received an additional 22 gigabytes of data from Ogletree Deakins’s eDiscovery vendor, Setec Investigations. Analysis of the 22 gigabytes revealed that the data was a duplicate of the data previously received from Arnold & Porter. A portion of the files had been processed by Setec, saving Consilio and Geographic Strategies from incurring the time and expense of processing those files. Consilio’s forensic team compared the data received from Arnold & Porter with the data received from Setec using Access Data’s Forensic Tool Kit Imager Lite (v4.2.0.13) on our Forensic VM Machine to confirm that the Setec files were identical copies of the Arnold & Porter files.

6. Using tree size reports prepared by Setec, Consilio next generated reports, which provided a map of the data and the size of the data. This process provided sufficient information to identify 195,887 redistricting “map” files, which Consilio did not load into its document review program.<sup>1</sup> The 51,409 non-map files were then processed for review in the review platform,

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<sup>1</sup> Because the map files are saved as a unique filetype, those files cannot be reviewed in traditional document review software and were reviewed using a different process by Dale Oldham and his consultant.

Relativity.

7. During processing, the files and were triaged to eliminate files unlikely to be owned by Geographic Strategies or containing Dr. Hofeller's work as a demographic consultant. Consilio excluded certain files and documents from the review set based on filetype and email extension. Multimedia files were not processed, for example. In addition, Consilio generated a list of the domain names of all emails contained in the dataset. The legal team instructed Consilio to remove from processing emails sent to or from a list of commercial domain names, such as Blockbuster.com, that were unlikely to contain Geographic Strategies' confidential information. The remaining files and documents were processed without deduplication, though duplicates were identified and only one copy of each document was promoted for review, reducing the volume of documents to 210,256 requiring individualized attorney review.

8. As data was processed, it was made available to a review team for individualized file review. The size of the review team varied during the review process but totaled over 25 attorneys and law school graduates, experienced in document review, working my supervision and the direction of Robert N. Hunter Jr and Ken Gumbiner. The reviewing attorneys agreed to strict confidentiality obligations before being permitted to review any files, and the review took place solely at Consilio's secure facility in Morrisville, NC. No reviewer was able access to any Data except at Consilio's secure offices and only using computers that were blocked from internet access or access to external storage devices.

9. In addition to counsel, the reviewers were supervised by a Consilio Quality Specialist, who was responsible for monitoring the quality and productivity of the review team during reviews and again after completion of the project. Oversight was also provided by a dedicated Consilio Review Manager.

10. On July 29, 2019, before beginning the review, the members of the review team attended training during which Robert N. Hunter Jr. and his colleagues instructed the review team on the background of the case, as well as the review guidelines and document review protocol. The protocol was developed in a collaboration between counsel and Consilio, and it provided detailed instructions on how documents should be reviewed. The review team was instructed to review and code every document for ownership, confidentiality, and privilege/immunities. For ownership, the review team was instructed on the work that Tom Hofeller did under the auspices of Geographic Strategies and the work that he did independently of Geographic Strategies, so that the reviewers could distinguish between the two. If the ownership was deemed questionable or the files did not fall into categories of confidentiality, the reviewers were instructed to code the documents to reflect that fact. These documents were reviewed by senior employees and coded. The review team was also trained on the review platform (Relativity) being used for the review.

11. Though the review team worked at the direction of counsel, they exercised their independent professional judgment in making decisions on categorizing and coding the documents.

12. After the initial review was complete, Consilio conducted quality control of the results of the entire review. Consilio's quality assurance strategy is designed to find potential coding errors within the review set and correct those errors through targeted re-review of documents. This approach utilizes a variety of techniques including targeted keyword searches, individual reviewer focus, and technology to identify potential coding inconsistencies. The Consilio quality assurance approach addresses both analytical errors (i.e., incorrect analysis of a document) and coding errors (i.e., properly analyzing a document but then incorrectly filling out the database coding template). The quality assurance strategy and technique evolve over the

course of the review based on effectiveness, substantive changes in the review population, document coding trends, and feedback received from counsel.

13. Consilio then validates document sets that have completed the Quality Assurance phase through a Quality Control sampling process. Through this process, Consilio samples a statistically relevant number of randomly selected documents from a document set. This final layer of Quality Management is implemented to ensure very high overall coding accuracy.

14. Finally, at the direction of counsel, Consilio prepared initial drafts of the document and file logs based on the coding from the review.

15. In total, the review required 30 days and encompassed 100,658 documents. For its technical and review services, Consilio has invoiced Geographic Strategies over \$120,000 to date for this expert report and work. Based on the review, 17,553 documents were identified as belonging to Geographic Strategies which were identified as containing trade secrets, attorney-client privilege, work product and other confidential materials.

16. During the review, our team discovered 19,953 documents of a personal or highly personal nature to the Hofeller family. These documents appear in the itemization log in a separate section. We also coded 1,682 documents as belonging to the RNC and 90 documents as belonging to the RSLC.

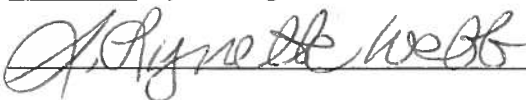
17. Following the individual review, we did a search of the remaining documents for documents belonging to private clients of Dr. Hofeller and Mr. Oldham our key word search by state or county name produced the following results: North Carolina documents, 13,829; Virginia documents, 1,240; Arizona documents 2,420; Missouri documents 139; Nueces County Texas documents 556; Galveston County Texas documents, 2,073; Nassau County New York documents, 406.

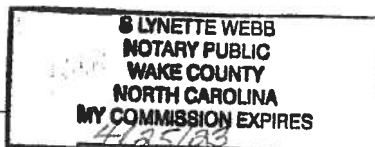
18. Our firm has produced the itemization logs in excel spreadsheet format confirming to the Court's Order which is tendered to the court in 3 thumb drive discs together with a brief explanation of how to access the information within the discs. Identical logs for each party to this proceeding will be emailed to the parties with a password and link to a site which the parties if they choose to do so will be able to access and download the files. The link and the material therein will be active for ten days from August 30, 2019.

  
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AMELIA F. BLANKENSHIP

Sworn and Subscribed before me, this the

30<sup>th</sup> day of August, 2019.

  
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Notary Public



My Commission Expires: 4/25/23